IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 996 (M/B) of 2006

Sadanand S/o Late Sri Kishan Devlal,
R/o Devlalgaon, Patti Dhanaura Mahar,
Block Bin, Tehsil & Distt. Pithoragarh

.....**Petitioner**

Vs

1. State of Uttaranchal through Secretary Sanskritik Vibhag, Uttaranchal Shasan, Dehradun
2. District Magistrate, Dehradun
3. Sub Divisional Magistrate (Sadar) Pithoragarh
4. Executive Engineer, Provincial Division, Public works Department, Pithoragarh
5. Patwari Patti Dhanaura Mahar, Block Bin, Tehsil & District Pithoragarh

.....Respondents

Sri Manoj Tewari, Ld. Counsel for the petitioner
Sri K.P. Upadhyaya, Ld. Standing counsel for State

Dated: - August 21, 2006

Coram: Hon'ble P.C. Verma,J.
Hon'ble B.S. Verma,J.

By means of this writ petition, the petitioner has prayed for writ of mandamus directing the respondents not to interfere with the peaceful possession of the petitioner over the land in dispute.

2. The petitioner claims title over the land in dispute on the basis of long standing possession and some of the old entries which are in his favour. The grievance of the petitioner is that he is being evicted without taking the course of law.

3. Since the disputed question of title is involved, which cannot be determined in the proceedings under

Article 226 of Constitution of India, therefore, we relegate the petitioner to avail the remedy within a period of three months under the U.P. Zamindari Abolition & Land Reforms Act, 1950. Till three months, the petitioner shall not be evicted accepted in accordance with law.

4. With the aforesaid observation, the petition is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang